

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Case No. 1:15-cv-129

CAMCO MANUFACTURING, INC.,

Plaintiff,

v.

B & B MOLDERS, LLC,

Defendant.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff Camco Manufacturing, Inc. (“Camco”) for its Complaint for Patent Infringement against B & B Molders, LLC (“B&B”) alleges the following:

1. This action arises out of B&B’s infringement of a design patent on a novel design and invention for a motor home water deflector. This is an action for injunctive and monetary relief.

THE PARTIES

2. Camco is a corporation duly organized and existing under the laws of the State of North Carolina with a principal place of business and its headquarters in Greensboro, North Carolina. Camco is a leading manufacturer of a number of products, including a variety of motor home products. Camco manufactures and sells motor home water deflectors, among other products.

3. Upon information and belief, B&B is a limited liability company organized and existing under the laws of the State of Indiana with a principal place of business and

its headquarters in Mishawaka, Indiana. Upon information and belief, B&B supplies motor home water deflectors.

JURISDICTION AND VENUE

4. Camco brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, 284, 285 and 289 among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a).

5. B&B is subject to personal jurisdiction in the Middle District of North Carolina (the “District”), consistent with the principles of due process and the North Carolina Long Arm Statute. Upon information and belief, B&B has sold and offered for sale infringing products in this District, has committed acts of patent infringement in this District, has placed infringing products into the stream of commerce through established distribution channels with the expectation that such products will be purchased by residents of this District, has purposefully established substantial, systematic and continuous contacts within this District such that it expects or should reasonably expect to be haled into court in this District, and has caused injury to Plaintiff in this District and/or the claims arose in this District. The actions of B&B described in this paragraph form a substantial part of the events giving rise to this lawsuit.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(c) and 1400(b).

GENERAL ALLEGATIONS

7. Camco is the owner of U.S. Patent No. D537,030 S concerning a design for motor home water deflectors (the “’030 Patent”). A true and correct copy of the ‘030 Patent is attached as Exhibit A.

8. Motor home water deflectors made and sold by B&B, including the motor home water deflectors shown in Exhibit B, are copies of, identical to or virtually identical to the products sold by Plaintiff under the ‘030 Patent.

9. Motor home water deflectors made and sold by B&B, including the motor home water deflectors shown in Exhibit B, are copies of, identical to or virtually identical to the design protected by the ‘030 Patent.

10. An ordinary observer, familiar with the prior art designs, would be deceived into believing that the B&B motor home water deflectors are the same as the design protected by the ‘030 Patent.

11. The overall appearance of the B&B motor home water deflectors are deceptively similar to the design protected by the ‘030 Patent

12. The B&B motor home water deflectors have adopted the novel aspects of the design protected by the ‘030 Patent.

13. Upon information and belief, B&B knows that the motor home water deflectors it sells, including the motor home water deflectors shown in Exhibit B, have been specially made and adapted to infringe the Patent.

14. Upon information and belief, B&B has profited through infringement of the Patent. As a result of B&B's unlawful infringement of the Patent, Camco has suffered and will continue to suffer damages. Camco is entitled to recover these damages from B&B.

15. B&B has had actual and constructive knowledge of the Patent since before this Complaint was filed. In addition, B&B's representative have been informed by at least one Camco representative that Camco's motor home water deflectors were protected by the Patent and that B&B's products violate Camco's Patent.

16. Upon information and belief, B&B's infringement is willful and deliberate, entitling Camco to enhanced damages and reasonable attorney fees and costs. This case is also "exceptional" within the meaning of 35 U.S.C. § 285, further entitling Camco to an award of attorneys fees.

17. Upon information and belief, B&B intends to continue its unlawful infringing activity, and Camco continues to and will continue to suffer irreparable harm—for which there is no adequate remedy at law—from such unlawful infringing activity unless B&B is enjoined by this Court.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. D 537,030 S)

18. Camco incorporates paragraphs 1 through 17 herein by reference.

19. B&B has infringed and continues to infringe the '030 Patent by making, using, selling and offering to sell, in the United States, one or more motor home water

deflectors identified in this Complaint, which embody the design covered by the '030 design patent. B&B's infringing activities violate 35 U.S.C. § 271(a).

20. Motor home water deflectors made and sold by B&B, including the motor home water deflectors shown in Exhibit B, are copies of, identical to or virtually identical to the products sold by Camco under the Patent.

21. Motor home water deflectors made and sold by B&B, including the motor home water deflectors shown in Exhibit B, are copies of, identical to or virtually identical to the design protected by the '030 Patent.

22. An ordinary observer, familiar with the prior art designs, would be deceived into believing that the B&B motor home water deflectors are the same as the design protected by the '030 Patent.

23. The overall appearance of the B&B motor home water deflectors are deceptively similar to the design protected by the '030 Patent

24. The B&B motor home water deflectors have adopted the novel aspects of the design protected by the '030 Patent.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Camco hereby requests a trial by jury of all issues so triable.

PRAYER FOR RELIEF

Camco requests that the Court find in its favor and against B&B, and that the Court grant Camco the following relief:

- a. Judgment that B&B has infringed the Patent and/or one or more of the claims in the Patent;
- b. Judgment awarding Camco compensatory damages and lost profits as a result of B&B's infringing activities complained of herein, with interest and costs;
- c. Judgment declaring that B&B's infringement of the Patent has been willful and deliberate;
- d. Judgment awarding Camco enhanced damages, up to and including treble damages, under 35 U.S.C. § 284 as a result of B&B's willful and deliberate infringement;
- e. Judgment awarding Camco the total profits that resulted from B&B's infringement, under 35 U.S.C. § 289;
- f. Judgment declaring this case exceptional;
- g. Judgment awarding Camco its attorney fees under 35 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law;
- h. Judgment permanently enjoining B&B from infringing the Patent, or in the alternative, requiring B&B to account for and pay to Camco a reasonable, on-going, post judgment royalty because of B&B's infringing activities; and
- i. Judgment granting such other and further relief as the Court may deem just and proper under the circumstances.

Respectfully submitted, this the 4th day of February, 2015.

/s/ David W. Sar

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